

JERMAINE J. CAMPBELL,	)	
	)	
Plaintiff(s),	)	Case No. 2:13-cv-02303-JAD-NJK
	)	
vs.	)	ORDER
	)	
JAMES G. COX, et al.,	)	(Docket No. 43)
	)	
Defendant(s).	)	
	)	

This is a prisoner's civil rights case. *See* Docket No. 9. On March 24, 2015, the Court entered the scheduling order in this matter. Docket No. 27. That order set the discovery cut-off date for June 22, 2015, and required discovery motions to be filed no later than July 6, 2015. *Id.* at 2.

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1 “A party served with interrogatories or requests for production must serve its answers and  
2 any objections within 30 days after being served with the discovery requests.” *Christmas v. MERS*,  
3 2010 WL 2695662, at \*2 (D. Nev. July 2, 2010) (citing Fed.R.Civ. 33(b), 34(b)). “The rules’ grant  
4 of 30 days for the responding party to answer discovery requests mandates that in order to meet the  
5 discovery deadline, the requesting party must file his discovery requests ‘at least 30 days before the  
6 discovery cutoff.’” *Id.* (citing *Smith v. Principal Cas. Ins. Co.*, 131 F.R.D. 104, 105 (S.D. Miss.  
7 1990)). As in *Christmas*, by serving his discovery requests only 11 days prior to the discovery cut-  
8 off (at the earliest), Plaintiff failed to leave Defendants sufficient time to respond. Accordingly,  
9 Plaintiff’s discovery requests are untimely.

10 Plaintiff submits this untimeliness should be excused because he was transferred to a  
11 different prison, which delayed his receipt of the Court’s scheduling order until April 7, 2015.  
12 Docket No. 43 at 2. Plaintiff submits that, as a layperson, he believed he had until June 22, 2015,  
13 to serve interrogatories on Defendants. *Id.*

14 Even if the Court excuses Plaintiff’s last discovery requests, however, his motion to compel  
15 itself is untimely. Discovery motions were due no later than July 6, 2015. Docket No. 27 at 2.  
16 Plaintiff does not claim that he misunderstood the discovery motion deadline. Plaintiff filed his  
17 motion on March 28, 2016, approximately 266 days after the Court-ordered deadline. Docket No.  
18 43. Plaintiff offers no reason for this delay. Accordingly, because Plaintiff unreasonably delayed  
19 in bringing his motion to compel, his motion is **DENIED**. See *Gault v. Nabisco Biscuit Co.*, 184  
20 F.R.D. 620, 622 (D. Nev. 1999) (finding motion to compel filed 76 days after close of discovery to  
21 be untimely).

22 IT IS SO ORDERED.

23 DATED: May 13, 2016

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26 NANCY J. KOPPE  
27 United States Magistrate Judge  
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